

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MISSOURI

OFFICE OF THE CLERK

ANN THOMPSON

COURT EXECUTIVE

ROOM 310, U.S. COURTHOUSE

JEFFERSON CITY, MO 65101

May 5, 2011

Northern District of Texas
Clerk's Office
110 Commerce Street
Dallas, TX 75242

RE: USA v Neff

Dear Clerk:

Enclosed please find certified copies of the docket sheet, minute sheets, financial affidavit, Waiver of Rule 5 documents.

Mr. Neff was appointed the federal public defender for his initial appearance only. He retained counsel for further proceedings.

If we can be of further assistance, please feel free to contact us.

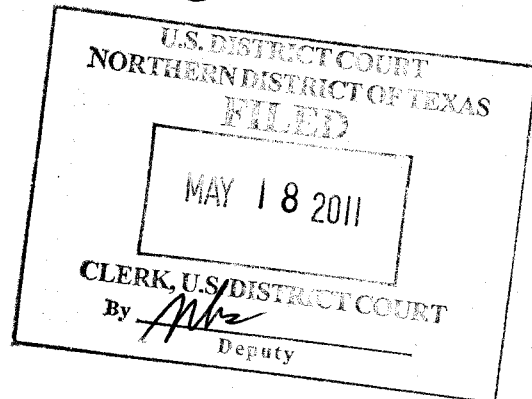
Sincerely,

Ann Thompson, Court Executive



By: J. Price

Courtroom Deputy to Magistrate Matt J. Whitworth
573-556-7561



CLOSED

**U.S. District Court
Western District of Missouri (Jefferson City)
CRIMINAL DOCKET FOR CASE #: 2:11-mj-03025-MJW-1
Internal Use Only**

Case title: USA v. Neff
Other court case number: 3-10-MJ-302-BK Northern
District of Texas

Date Filed: 04/26/2011

Assigned to: Magistrate Judge Matt J.
Whitworth

Defendant (1)

Jason Neff

represented by **Scott Allen Hamblin**
Brydon, Swearingen & England, PC
312 East Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
(573) 635-7166
Fax: (573) 635-0427
Email: scotthamblin@brydonlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

I HEREBY ATTEST AND CERTIFY ON 5.12.11
THAT THE FOREGOING DOCUMENT IS A FULL TRUE AND
CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY.

ANN THOMPSON
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

BY Jacquelyn Price DEPUTY

Troy K. Stabenow
Federal Public Defender's Office
221 Bolivar Street
Suite 104
Jefferson City, MO 65101
(573) 636-8747
Fax: (573) 636-9161
Email: troy_stabenow@fd.org
TERMINATED: 04/29/2011
LEAD ATTORNEY
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

None

Highest Offense Level (Opening)

None

Disposition

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints


18:371.F

Disposition

Plaintiff

USA

represented by **Lawrence Miller**
 United States Attorney
 PO Box 117
 305 East McCarty
 Suite 300
 Jefferson City, MO 65101
 (573) 634-8214
 Fax: (573) 634-8723
 Email: larry.miller@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/26/2011	<u>1</u>	RULE 5 as to Jason Neff (1). (Price, Jackie) (Entered: 04/26/2011)
04/26/2011		(Court only) ***Location start as to Jason Neff (Price, Jackie) (Entered: 04/26/2011)
04/26/2011	<u>2</u>	MOTION for detention hearing , MOTION to continue detention hearing by USA as to Jason Neff. Suggestions in opposition/response due by 5/13/2011 unless otherwise directed by the court. (Miller, Lawrence) (Entered: 04/26/2011)
04/26/2011	3	AFFIDAVIT of Financial Status of Jason Neff. This document contains original signatures of non attorneys and is being maintained in a paper file at the court. (Price, Jackie) (Entered: 04/26/2011)
04/26/2011	4	Minute Entry for proceedings held before Magistrate Judge Matt J. Whitworth: INITIAL APPEARANCE in Rule 5 Proceedings as to Jason Neff held on 4/26/2011. AUSA Larry Miller and defendant appeared in person. Financial affidavit recorded. Counsel not appointed at this time as defendant wants to retain his own. Identity, preliminary and detention hearing to be scheduled when defendant obtains counsel. TEXT ENTRY ONLY - no document is attached. To order a transcript of this hearing please contact Jackie Price, 573-636-4015. (Price, Jackie) FTR 2:46 - 3:00

		pm (Entered: 04/26/2011)
04/28/2011		Attorney update in case as to Jason Neff. Attorney Troy K. Stabenow for Jason Neff added. (Price, Jackie) (Entered: 04/29/2011)
04/28/2011	<u>6</u>	Minute Entry for proceedings held before Magistrate Judge Matt J. Whitworth: STATUS CONFERENCE as to Jason Neff held on 4/28/2011. AUSA Larry Miller and defendant, without counsel, appear in person. Defendant indicates he is retaining counsel but they are not appearing today. Court appoints the FPD to represent defendant for the hearing scheduled for today. TEXT ENTRY ONLY - no document is attached. To order a transcript of this hearing please contact Jackie Price, 573-636-4015. (Price, Jackie) FTR 2:33 - 2:36 pm (Entered: 04/29/2011)
04/28/2011	<u>7</u>	Minute Entry for proceedings held before Magistrate Judge Matt J. Whitworth: REMOVAL/IDENTITY HEARING as to Jason Neff held on 4/28/2011. To order a transcript of this hearing please contact Jackie Price, 573-636-4015. (Price, Jackie) FTR 3:27 - 4:16 pm (Entered: 04/29/2011)
04/29/2011	<u>5</u>	NOTICE OF ATTORNEY APPEARANCE - Scott Allen Hamblin appearing for Jason Neff. (Hamblin, Scott) (Entered: 04/29/2011)
04/29/2011		Attorney update in case as to Jason Neff. Attorney Troy K. Stabenow terminated based on entry of appearance by Scott Hamblin. (Price, Jackie) (Entered: 04/29/2011)
04/29/2011	<u>8</u>	NOTICE OF HEARING as to Jason Neff. This is the official notice for this hearing. Detention, preliminary and identity Hearing set for 5/4/2011 at 9:00 AM in Magistrate Courtroom, Jefferson City (MW) before Magistrate Judge Matt J. Whitworth. Signed on 4/29/2011 by Magistrate Judge Matt J. Whitworth. This is a TEXT ONLY ENTRY. No document is attached. (Price, Jackie) (Entered: 04/29/2011)
05/04/2011	<u>9</u>	Minute Entry for proceedings held before Magistrate Judge Matt J. Whitworth: IDENTITY AND PRELIMINARY HEARING as to Jason Neff held on 5/4/2011, DETENTION HEARING as to Jason Neff held on 5/4/2011. To order a transcript of this hearing please contact Jackie Price, 573-636-4015. (Price, Jackie) FTR 9:00 - 10:21 am (Entered: 05/04/2011)
05/05/2011	<u>10</u>	ORDER OF REMOVAL to District of Northern District of Texas as to Jason Neff. Signed on 5/5/2011 by Magistrate Judge Matt J. Whitworth. This is a TEXT ONLY ENTRY. No document is attached. (Price, Jackie) (Entered: 05/05/2011)
05/10/2011	<u>11</u>	ORDER granting <u>2</u> motion for detention hearing, <u>2</u> motion to continue detention hearing; DETENTION ORDER as to Jason Neff (1). Signed on 5/4/2011 by Magistrate Judge Matt J. Whitworth. (Bode, Kay) (Entered: 05/10/2011)

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

COURTROOM MINUTE SHEET

USA

v

10-3025-01-MJ-MJW

JASON NEFF

Date: 4/28/2011

Time: 3:27 - 4:16 pm

Honorable Matt J. Whitworth presiding in Jefferson City, Missouri.

ERO: J. Price

Appearances:	Plaintiff:	Larry Miller
	Defendant:	Troy Stabenow

Defendant appears with court appointed counsel FPD Troy Stabenow and objects to holding any hearings today. Over the objection of defendant, court proceeds with the testimony of the government's witness Allyn Lind for purpose of the identity hearing.

The issue of detention and the preliminary hearing will be conducted on Wednesday, May 4, 2011 at 9:00 am with retained counsel. Mr. Lind is subject to recall by video on this date.

I HEREBY ATTEST AND CERTIFY ON 5.12.11
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CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE
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ANN THOMPSON
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

BY Jacqueline Price DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

United States of America

Case #: 11-3025-MJ-MJW

v.

DATE: May 4, 2011

Jason Neff

Honorable Matt J. Whitworth presiding at Jefferson City, Missouri

Time Commenced: 9:00 - 10:21 am

APPEARANCES FOR PLAINTIFF:

Larry Miller
Candy Heath (Dallas, Texas)

APPEARANCES FOR DEFENDANT:

Scott Hamblin

AUSA Miller, defendant and his counsel Mr. Hamblin appear in person. AUSA Heath and witness Allyn Lind appear by video from Dallas, Texas.

Witness Heath testifies via video. Cheryl Neff, defendant's mother testifies in person.

Preliminary hearing held - probable cause found. Detention hearing held. Defendant is detained and remanded to the custody of the U.S. Marshal and will be transported back to Texas.

Defendant is advised of his Rule 5 rights.

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ANN THOMPSON
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

BY Jacquelyn Price DEPUTY

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

United States of America)

v.)

JASON NEFF)

Defendant)

Case No. 11-3025-01-MJ-C-MJW

DETENTION ORDER PENDING TRIAL

After conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), I conclude that these facts require that the defendant be detained pending trial.

Part I—Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has previously been convicted of ☐ a federal offense ☐ a state or local offense that would have been a federal offense if federal jurisdiction had existed - that is
- ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4) or an offense listed in 18 U.S.C. § 2332b(g)(5) for which the prison term is 10 years or more.
- ☐ an offense for which the maximum sentence is death or life imprisonment.
- ☐ an offense for which a maximum prison term of ten years or more is prescribed in _____
- ☐ a felony committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses:
- ☐ any felony that is not a crime of violence but involves:
- ☐ a minor victim
- ☐ the possession or use of a firearm or destructive device or any other dangerous weapon
- ☐ a failure to register under 18 U.S.C. § 2250
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state release or local offense.
- ☐ (3) A period of less than five years has elapsed since the ☐ date of conviction ☐ the defendant's release from prison for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition will reasonably assure the safety of another person or the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- ☒ (1) There is probable cause to believe that the defendant has committed an offense
- ☒ for which a maximum prison term of ten years or more is prescribed in 18 USC 1512(b)(3), (c)(2) .
- ☐ under 18 U.S.C. § 924(c).

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition will reasonably assure the defendant's appearance and the safety of the community.

Alternative Findings (B)

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II—Statement of the Reasons for Detention

I find that the testimony and information submitted at the detention hearing establishes by ☒ clear and convincing evidence ☐ a preponderance of the evidence that

1) defendant has two pending state felony charges in Camden County, Missouri, for statutory sodomy and child molestation; 2) defendant has history of threatening and intimidating witnesses; (3) defendant has history of violent behavior; 4) defendant has prior criminal history and fugitive status; 5) defendant has substantial history of using other names, aliases and false identification; 6) serious nature of the offenses charged, that is, "swatting," threats to public safety and to individuals and intimidating witnesses.

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Date: 05/04/2011

/s/ Matt J. Whitworth

Judge's Signature

Matt J. Whitworth, United States Magistrate Judge

Name and Title

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ANN THOMPSON
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

BY Jacqueline Price DEPUTY

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

UNITED STATES DISTRICT COURT

Western

District of

Missouri

UNITED STATES OF AMERICA

V.

JASON NEFF

COMMITMENT TO ANOTHER
DISTRICT

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

3-10-MJ-302-BK

11-3025-MJ-MJW

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☐ Indictment ☐ Information ☒ Complaint ☐ Other (specify)

charging a violation of 18 U.S.C. § 371 and 1512(k)

DISTRICT OF OFFENSE

Northern District of Texas

DESCRIPTION OF CHARGES:

Conspiracy to Use Telecommunications Instrument without authorization; conspiracy to tamper with a witness

CURRENT BOND STATUS:

- ☐ Bail fixed at _____ and conditions were not met
- ☒ Government moved for detention and defendant detained after hearing in District of Arrest
- ☐ Government moved for detention and defendant detained pending detention hearing in District of Offense
- ☐ Other (specify) _____

Representation: ☒ Retained Own Counsel ☐ Federal Defender Organization ☐ CJA Attorney ☐ NoneInterpreter Required? ☐ No ☒ Yes Language: _____

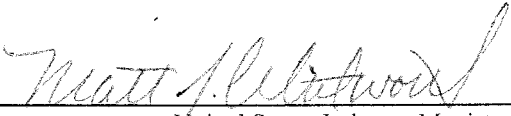
DISTRICT OF

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

May 4, 2011

Date


 United States Judge or Magistrate Judge

RETURN

This commitment was received and executed as follows:

I HEREBY ATTEST AND CERTIFY ON 5-12-11
 THAT THE FOREGOING DOCUMENT IS A FULL TRUE AND
 CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE
 AND IN MY LEGAL CUSTODY

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

ANN THOMPSON
 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF MISSOURI

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

 (BY) DEPUTY MARSHAL  DEPUTY

05-10-2011